

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSE URENA, :  
 : Petitioner, :  
 : 03 Civ. 6722 (JFK)  
-against- : 99 Cr. 73 (JFK)  
 : MEMORANDUM OPINION & ORDER  
 :  
UNITED STATES OF AMERICA, :  
 :  
 : Respondent. :  
-----X  
JOHN F. KEENAN, United States District Judge:

On February 22, 2000, Jose Urena ("Urena" or "Petitioner") was convicted following a jury trial of trafficking in narcotics and of conspiracy to traffic in narcotics, in violation of Title 21 U.S.C. §§ 841, 846, and 851. Judge Schwartz<sup>1</sup> sentenced Urena to 270 months of imprisonment on February 14, 2001. The judgment of conviction was affirmed by the United States Court of Appeals for the Second Circuit, and Urena's application for a writ of certiorari was denied on June 28, 2002.

On July 14, 2003, Urena filed a habeas petition claiming (1) that the District Court lacked jurisdiction to impose a sentence in this case under 21 U.S.C. § 851 or under § 4B1.1 of the United States Sentencing Guidelines, and (2) that his trial and appellate counsel were ineffective. The Government urged the Court to dismiss the petition as untimely because Urena filed the petition after the expiration of the one-year limitations period

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<sup>1</sup>Judge Schwartz passed away in 2003, and his criminal docket was reassigned to me.

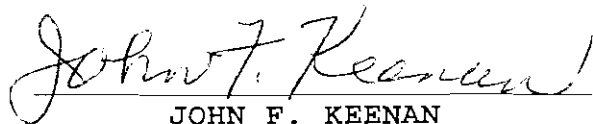
established by the Antiterrorism and Effective Death Penalty Act ("AEDPA").

On July 13, 2005, the Court denied Urena's petition as untimely because Petitioner could not establish that exceptional circumstances had prevented him from filing on time or that he diligently pursued his claim. Petitioner subsequently filed a motion for reconsideration on September 10, 2005. On January 10, 2007, the Court denied the motion for reconsideration because Petitioner had not raised any arguments warranting reconsideration under Rule 60(b).

In a letter to the Court dated February 6, 2007, Petitioner moves again for reconsideration. For the reasons set forth in the Court's January 10, 2007 decision, Petitioner's motion is denied.

SO ORDERED.

Dated: New York, New York  
March 26, 2007

  
JOHN F. KEENAN  
United States District Judge